

**AMENDMENTS TO THE DRAWINGS**

*Attached are three replacement drawing sheets including Figs. 2 and 4-6a which should replace the original drawing sheets including Figs. 2 and 4-6. Figs. 2 and 6 are amended to remove the dark shading, Figs. 4-6 are amended to remove the connecting arrows, and Fig. 6a is added as a label to the cut-away shown in Fig. 6.*

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-6, 9-11 and 13-19 are pending in this application. By this Amendment, Claims 1, 2, 4, 6, 9-11, 13 and 14 are amended for clarity. Independent Claim 9 is amended to further define the claimed force-restricting coupling member. Claims 18 and 19 are added. The specification and drawings also are amended in response to minor informalities pointed out in the Official Action. Withdrawn Claims 7, 8 and 12 are canceled without prejudice. Support for the amendment to independent Claim 9 can be found, for example, on page 12, lines 8-14 of the specification. Support for added Claims 18 and 19 can be found, for example, in Figs. 4 and 6 and on page 12, lines 4-29 of the specification. No new matter is added.

Applicants appreciate Examiner Gerrity's indication that Claims 2, 3 and 13-16 recite allowable subject matter, and would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicants submit that all pending claims are allowable for the reasons discussed below.

Examiner Gerrity is kindly thanked for pointing out, on pages 3-6 of the Official Action, a number of minor informalities in the drawings and the specification. Figs. 2 and 6 are amended to remove the dark shading. Figs. 4-6 are amended to remove the connecting arrows. Fig. 6a is added as a label to the cut-away shown in Fig. 6. The specification also is amended to correct the noted informalities. Thus, withdrawal of these objections is respectfully requested.

Claims 1, 4, 6, 9, 13 and 14 are amended to obviate the rejection under 35 U.S.C. §112, second paragraph. Thus, withdrawal of the rejection is respectfully requested.

Independent Claims 1 and 9 are the only independent claims now under consideration. The Official Action rejects independent Claims 1 and 9 under 35 U.S.C. §102(b) over Miller, U.S. Patent No. 2,751,965.

Independent Claim 1 is directed to an apparatus for sealing a package. The apparatus comprises, *inter alia*, a sealing unit and an abutment connected to at least one elongate element, at least one first operating element, and an operating unit disposed to apply a force between the sealing unit and said first operating element so that the sealing unit and the first operating element are displaced in a direction from one another and so that the abutment and the sealing unit are displaced in a direction towards one another. The force from the operating unit is applied to the sealing unit by the intermediary of a second operating element comprising at least one force-restricting coupling member which is disposed to restrict force between the second operating element and the sealing unit and thereby force between the abutment and the sealing unit.

Independent Claim 9 is directed to an apparatus for sealing a package. The apparatus comprises a sealing unit and an abutment between which a number of material layers are disposed to be clamped and sealed and fused together. In a nominal end position, the sealing unit and the abutment are converged to such an extent that a gap is formed between them. The gap is of a width which is less than the total thickness of material layers which are intended to be sealed and fused together obtained when the sealing unit and the abutment are moved towards one

another with a force which is defined by a force-restricting coupling member. The force-restricting coupling member is pressurized by a fluid.

Miller discloses a tube sealer having die carriers 70 and 71 which are said to correspond to the claimed abutment and sealing unit, respectively. As shown in Figs. 1 and 3, Miller also discloses a power cylinder assembly 36 and an actuating rod 21 that is connected to a cross bar 24. The Official Action states that the power cylinder assembly 36 ("operating unit") applies a force between the die carrier 71 ("sealing unit") and the cross bar 24 so that the die carrier 71 and the cross bar 24 are displaced in a direction away from one another and so that the die carrier 70 ("abutment") and the die carrier 71 are displaced in a direction towards one another. Miller further discloses a die member 20 and a threaded element 124 (see Figs. 3 and 4). The Official Action takes the position that the die member 20 corresponds to the claimed second operating element and that the threaded element 124 corresponds to the claimed force-restricting coupling member. That is, the Official Action takes the position that the threaded element 124 restricts the force between the die member 20 and the die carrier 71, and thereby the force between the die carrier 70 and the die carrier 71, as recited in independent Claim 1. Applicants respectfully disagree.

The threaded element 124 does not restrict a force between the die member 20 ("second operating element") and the die carrier 71 ("sealing unit"). As shown in Fig. 4, the die member 20 is rigidly fixed to the die carrier 71 via the threaded element 69. Accordingly, there is no force between the die member 20 and the die carrier 71 that is able to be restricted by the threaded element 124. The threaded element 124 merely engages the die member 19 in a connection with the die

member 20 (see Fig. 4). Thus, the threaded element 124 is not disposed to restrict a force between the die member 20 and the die carrier 71. Therefore, Miller fails to disclose a force-restricting coupling member disposed to restrict a force between the second operating element and the sealing unit, as recited in independent Claim 1. Accordingly, independent Claim 1 is patentable over Miller.

As discussed above, independent Claim 9 recites that the force-restricting coupling member is pressurized by a fluid. On the other hand, Miller's threaded element 124, said to correspond to the claimed force-restricting coupling member, is simply a screw that threadably engages the die member 19 in a connection with the die member 20 (see Fig. 4). The threaded element 124 is not pressurized. Thus, independent Claim 9 is patentable over Miller.

Claims 4-6, 10, 11 and 17 are patentable at least by virtue of their dependence from patentable independent Claims 1 and 9, respectively. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejection is respectfully requested.

New Claims 18 and 19 are presented for consideration. Claim 18 recites that the force-restricting coupling member is disposed between the sealing unit and the first operating element. As shown in Figs. 3 and 4, Miller's threaded element 124 ("force-restricting coupling member") is disposed between the die carrier 70 ("abutment") and die carrier 71 ("sealing unit"). The threaded element 124 is not disposed between the die carrier 71 ("sealing unit") and the cross bar 24 (said to correspond to the claimed first operating element). Thus, Claim 18 is patentable over Miller for at least this reason.

Claim 19 recites that the force-restricting coupling member is configured to restrict a pushing force of the sealing unit. On the other hand, because Miller's threaded element 124 engages the die member 19 in a connection with the die member 20 as shown in Fig. 4, the force provided by the threaded element 124 is a counter force on the die carrier 71 ("sealing unit"). Thus, Claim 19 is patentable over Miller for at least this reason.

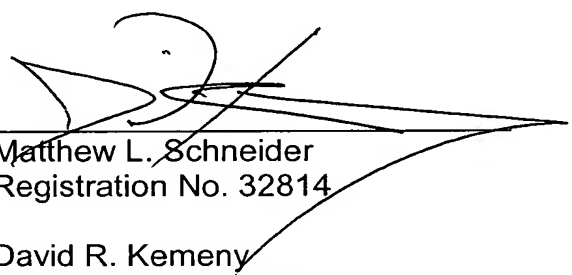
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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